

March 13, 2018

VIA EMAIL

The Honorable Ronnie Abrams
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *The Travelers Companies, Inc. v. Old Mutual plc*, 18-cv-2171

Dear Judge Abrams:

I am counsel for the defendant in the referenced action, Old Mutual plc, and am writing, as Your Honor requested in yesterday's telephone conference, concerning the request of plaintiffs The Travelers Companies, Inc. and St. Paul Fire and Marine Insurance Company (collectively, "Plaintiffs") that limited portions of the Declaration of Bryce L. Friedman and the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction and Expedited Discovery which discuss a purported "secret side-agreement" between my client, Old Mutual plc, and Fidelity and Guaranty Life Insurance Company ("F&G Life") be sealed. Friedman Decl. ¶ 12.

As I was not aware of any "secret side-agreement," I sought from Mr. Friedman clarification as to what he was referring in referencing a "side agreement." He confirmed that it was a reference to a Release Agreement, dated November 14, 2017, which my client entered into with F&G Life for the benefit of Plaintiffs, pursuant to which F&G Life released Plaintiffs from any liability under or connected with the guaranties which Plaintiffs claim provide a basis for their potential liability to F&G Life and thus a basis for their claims against Old Mutual in the United States.

As we had no advance knowledge that Plaintiffs intended to file suit yesterday morning, we had no notice they intended to seek leave to file under seal portions of their papers which obliquely refer to the Release Agreement, and we did not demand that they do so. Nor do we stand on the Non-Disclosure Agreement which Plaintiffs executed to require that these passing references be sealed.

Accordingly, we do not seek a sealing order with respect to those portions of the Declaration and Memorandum that Mr. Friedman believes need to be sealed and do not join Plaintiffs' request. On behalf of Old Mutual plc, we expressly preserve all of its jurisdictional and other rights and defenses.

Respectfully,

A handwritten signature in black ink, reading "Richard Mancino". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard Mancino

cc: Bryce Friedman
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